



February 20, 2002

ALBERT

Members:
RESA VANCE
FLOREN
ROBERTSON
LEAH AND

ALBERT
CALIFORNIA

The Honorable Robert O'Farrell
Presiding Judge of the Superior Court
Monterey County
P.O. Box 1819
Salinas, CA 93902

Subject: Grand Jury 2001 Final Report: Monterey Bay Beaches

Dear Judge O'Farrell:

Attached are the responses of the City Council of the City of Monterey, as required by Sections 933 and 933.05 of the California Penal Code, to the **Findings** and **Recommendations** in the 2001 Monterey County Grand Jury Report dated January 2, 2002.

The responses were approved by the City Council, Monterey's governing body, on February 19, 2002.

Sincerely,

Dan Albert
Mayor

Attachments: Response to Findings
Response to Recommendations

c: City Manager
City Attorney
Public Works Director
Community Development Director
Monterey Peninsula Cities
MRWPCA (Mr. Jaques)
Monterey County Environmental Health (Mr. Jennings)

GRAND JURY FINAL REPORT TITLED MONTEREY BAY BEACHES
RESPONSE TO FINDINGS by CITY OF MONTEREY
 [as required by Section 933.05(a) California Penal Code] (Agency)

Finding #	Check One §933.05(a) (1)	(2)	Specify the portion of the Finding that is disputed and include an explanation of the reasons therefor.
From Grand Jury Final Report	The respondent agrees with the Findings	The respondent disagrees wholly or partially with Finding: see next column	<i>CONTINUE ON ATTACHED SHEETS AS NECESSARY</i>
3	X		See Attached
4	X		See Attached

MONTEREY BAY BEACHES

FINDING #3: There is inadequate storm drain pipe maintenance in Monterey Peninsula cities.

RESPONSE: The City of Monterey agrees with the finding, with the additional comments below.

COMMENTS: As a result of Federal Requirements under the Clean Water Act, all of the cities on the Monterey Peninsula will be required to obtain National Pollutant Discharge Elimination System Phase II (NPDES Phase II) permits in March 2003. Those permits will require each City to develop and implement "good housekeeping programs" for existing storm drains that include system assessment, maintenance, and capital improvements. The program also requires storm drain system mapping and "best management practices" to improve water quality. Another aspect of the NPDES Phase II program requires development and implementation of an illicit discharge detection and elimination program. This measure will ensure that all improper connections to the storm drain system are eliminated. Though these are future requirements, the City of Monterey and others on the Peninsula have been doing many of these things for years, and are now working together to do them as a group (see the response to Finding #4 below).

In 1993, the City of Monterey implemented a Storm Water Utility to fund water quality programs as well as capital improvements and maintenance to the system. Each year for the past five years, the City has increased the utility fee to pay for ever-increasing requirements for water quality improvements, public outreach and education, and maintenance. Though we had intended to fully fund capital improvements and system replacements with the utility by this year, those requirements have outpaced the generation of revenue. The City of Monterey spent \$709,000 on storm drain maintenance, improvements, and education programs in fiscal year 2001 and plans to spend \$760,000 by the end of fiscal year 2002. Approximately 80% of the stormwater budget is spent on maintenance activities. Though there will always be more to do, this level of maintenance and capital improvement is actually high for small municipalities in the United States.

FINDING #4: Only one public information forum on how to keep beaches and coastal waters healthy was conducted in Monterey County during 2001. It was held in Monterey on February 28, 2001.

RESPONSE: The City of Monterey agrees with the finding, but believes that the additional comments below need to be emphasized.

Comments: When taken at face value this statement is true; there was only one public education forum held in 2001 on this subject. The City of Monterey staff was a presenter at this forum. Unfortunately, this finding does not take into account any of the numerous public education measures that are implemented every day in other venues.

Since 1996 the City of Monterey has contracted with a water quality educator to provide materials and support for our stormwater program. These public education materials are distributed in numerous venues, including the Old Monterey Marketplace, KidFest, local shops, city offices, and visitor centers. Over the past two years media coverage of stormwater issues contracted by the City of Monterey has included Public Service Announcements and advertisements on radio and television, bus advertisements on Monterey Salinas Transit Buses, and movie slides shown in local theaters. All of these educational efforts were accomplished under the auspices of this City's stormwater program to educate the public about the connection

between what we do on land and how it affects our waterways and the Monterey Bay National Marine Sanctuary.

In 1998 the city began a program to educate restaurant owners, managers, and kitchen staff about their unique opportunities to protect the health of the Monterey Bay by visiting over 150 restaurants in the City of Monterey. In 2000 we developed an educational video which explains restaurant Best Management Practices, began distributing it, and continue to make educational presentations at local restaurants to date! We are currently in the process of continuing those visits and presentations, with a goal of 100% participation by restaurants within the city limits.

With regard to volunteer programs:

- 1) In the summer of 2001, the City of Monterey used seven summer interns to stencil or restencil every storm drain catch basin in the City, including the Presidio of Monterey and Naval Postgraduate School.
- 2) In October of 2001, we completed our fifth year of the Urban Watch Monitoring Program funded by the City and others which uses volunteers to collect and analyze water samples from storm drain outfalls. The data from this program has been used in the past to target public education programs such as the restaurant training program. Urban Watch is also conducted in the City of Pacific Grove.

In addition to the public outreach and education opportunities described above, the Cities of Marina, Seaside, Sand City, Del Rey Oaks, Monterey, Pacific Grove, Carmel, as well as the County of Monterey and Pebble Beach representatives, have been meeting since March 2000 to develop a regionwide NPDES Phase II stormwater permit. This permit and the corresponding Storm Water Management Program is being developed as a group so that items such as public education and outreach can be accomplished in a collaborative manner. These monthly meetings of the Monterey Regional Storm Water Permit Participants Group are open to the public on the third Wednesday of each month at 2:00 pm in the offices of the Monterey Regional Water Pollution Control Agency at Ryan Ranch.

All of the educational efforts described above contribute to keeping beaches and coastal waters healthy. These are ongoing efforts which will eventually be funded at a higher level in a collaborative effort by all the Monterey Peninsula cities.

GRAND JURY FINAL REPORT TITLED MONTEREY BAY BEACHES
RESPONSE TO RECOMMENDATIONS by CITY OF MONTEREY
[as required by Section 933.05(b) California Penal Code] (Agency)

Rec. #	Check One §933.05(b)				Time frame, explanation, summary (attached), etc.
	(1)	(2)	(3)	(4)	
From Grand Jury Final Report	Has been implemented, include summary of action	Will be implemented, include time frame	Requires further analysis, include time frame	Will not be implemented, include explanation	CONTINUE ON ATTACHED SHEETS AS NECESSARY
I			X		See Attached

MONTEREY BAY BEACHES

RECOMMENDATION #1: The Board of Supervisors direct the Environmental Health Division of the Monterey County Health Department to share its expertise with Monterey Peninsula cities, working with the cities to determine what support they require to develop a community education program. The community education program that each Monterey Peninsula city develops should include, but not be limited to: a. Sources of run-off pollution into Bay waters; b. Monterey Bay bacterial pollution; c. Potential illnesses from polluted ocean water; d. Methods of prevention of pollution of Monterey Bay waters.

RESPONSE: The City of Monterey cannot respond for the County, so this recommendation requires further analysis in the next three months. As discussed below, we would welcome the collaboration of Monterey County Environmental Health Division

COMMENTS: The County of Monterey is already a member of the existing Monterey Regional Storm Water Permit Participants Group mentioned above. Though it is the County Water Resources Agency and local public works departments who have been involved in this process, the County Environmental Health Division would be welcome to join in the development of the final program. The City of Monterey already has a public education program in place that addresses: a.) General sources of run-off pollution into Bay waters, and d.) Methods of prevention of pollution of Monterey Bay waters. The remaining recommendations are easily addressed as a collaborative effort with information provided by Monterey County Environmental Health.

The City of Monterey recently partnered with the Monterey Bay National Marine Sanctuary Foundation to submit a grant concept pre-proposal application to the State Water Resources Control Board under Proposition 13. This grant would fund a RNA-rybotyping study which will help understand the sources of bacterial pollution at several beaches in the Marine Sanctuary including: a site in San Mateo County, San Carlos Beach in Monterey, and a site in Pacific Grove. Until we are able to pinpoint the sources of pollution, it will be impossible to provide public education that is effective and truthful. The City of Monterey has done several anecdotal follow-ups to beach postings that have occurred in the City, and have found that the most likely sources of bacterial pollution are from avian and mammal wildlife sources. We have not found evidence of sewer overflows or illicit connections that correlate with high bacterial levels. What we have found is that, when high bacterial levels occur, there has typically been uncommon water turbulence, resulting in the scouring of bird and sea mammal feces from adjacent rock areas.

Unfortunately this issue is not as simple as it seems. If there is a problem associated with wildlife and avian inhabitants of our cities marine environment, solutions will be problematic. Throughout our watersheds, raccoons are living in storm drains, Canadian geese are nesting on our lakes and creeks, and deer are inhabiting the upper reaches of our creekbeds. Therefore, water quality testing must be undertaken to understand the exact character of the problem; simply stated, current bacterial and enterococcus problems may well be natural background contamination from wildlife.